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THE RIGHT TO DEVELOPMENT

Report of the Secretary-General submitted in accordance with Commission on Human Rights resolution 1999/79

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Introduction

1 In accordance with paragraph 12 of Commission resolution 1999/79, a note verbale dated 17 July 1999 was sent to all Permanent Missions accredited to the United Nations Office in Geneva and letters were sent to development agencies, programmes and funds, as well as to non-governmental organizations, with a view to collecting information on follow-up to the Declaration on the Right to Development.

2 As of 24 November 1999, replies had been received from the Governments of Croatia, Iraq, Jordan, Lebanon, New Zealand and Qatar. Those replies are summarized in the present document.

3 No reply was received from intergovernmental organizations or non-governmental organizations.

REPLIES RECEIVED FROM GOVERNMENTS

Croatia

4 On 26 June 1998, the Croatian Parliament adopted the Programme for the Return and Accommodation of Exiled Persons, Refugees and Displaced Persons, the implementation of which is coordinated by the Ministry of Development, Immigration and Reconstruction. The basis of the Return Programme is the unconditional right to return of all refugees and displaced persons on the territory of the Republic of Croatia and the improvement of conditions for the return of their property; it supports and contributes to the implementation of the Commission on Human Rights resolution on the right to development.

5 The Return Programme is a legal instrument by means of which the Republic of Croatia is attempting to provide the right to a home and accommodation to all its citizens alike, no matter what their ethnic origin. The Programme was jointly prepared by representatives of the international community and the competent Croatian authorities, applying the standards of all international instruments of which the Republic of Croatia is a signatory and which deal with human rights. The Programme was preceded by numerous adjustments and amendments to Croatian legislation to take into account the proposals of the international community in regard to respect for human rights in the Republic of Croatia, in particular with regard to the protection of the right to ownership.

6 In accordance with the basic principle of the right to development that every individual is the principal subject of development, the preparation of the Programme and the implementation of the return process has contributed to respect for and the guaranteeing of such rights as the right to life, the inviolability of the home, the rule of law, freedom of movement and the inviolability of private property.

7 In the past, the Ministry of Development, Immigration and Reconstruction also prepared and coordinated the implementation of numerous national development programmes aimed at ensuring the right of every individual to personal development within the general development policy of the Republic of Croatia.

8. In 1996, the Croatian Parliament adopted the National Programme for Demographic Development, which defined the right to a decent life and development of children and their parents by encouraging demographic measures such as: child allowances, social welfare and health care, basic education, paid maternity leave, the protection of pregnant women in their workplaces. The implementation of the Programme is the responsibility of the National Institute for the Protection of Family, Motherhood and Youth and its basic assumptions are lodged in the following legislation: the Labour Act, the Law on Maternity Leave for Self-employed and Unemployed Mothers, the Child Allowance Act and the Health Care Act, the National Budget Act, the Housing Savings Act, the Subsidized House-building Act.

9. The same Programme notes the negative trend in migration from the country and proposes framework measures to enable efficient exercise of the rights of emigrants to return and to live in their homeland.

10. Bearing in mind that a major part of Croatia has been stricken by depopulation for years, and that the depopulated areas were affected by the war destruction, which resulted in slower, uneven development, measures have been implemented to prevent such negative trends. These measures include the reconstruction of homes destroyed in the war, as well as the building of new homes and communal and social infrastructure; they also include fiscal and other measures, and encouraging balanced economic growth and development in such areas.

11. In 1997, the National Programme for the Development of the Islands, and the Islands Act were adopted, based on the principle of sustainable development. They offer the Croatian islands an equal opportunity for development and consequently, offer the islanders better education, health care and security. Activities for the implementation of the Islands Act are under way, including, notably, the preparation of a methodology for the programme of sustainable development for each individual island, and the preparation of the Annual Island Programme for the Year 2000.

12. The National Programme for Sustainable Development, which is being prepared, includes the social, demographic, economic, environmental, educational, ethical and strategic and political aspects of sustainable development, and is aimed at the definition of guidelines for the general development of the country to emphasize the right of every individual to his or her own dignity and development, in accordance with international conventions signed by the Republic of Croatia. As a part of this programme, the guidelines of the Humane and Educational Values Programme have been developed to encourage education for participation in political life, economic entrepreneurship, scientific and artistic creativity, family and society. These guidelines develop a positive relationship with the community and responsibility for advancing the common good, and for fostering democratic thinking and behaviour, based on the principles of freedom, justice, love and responsibility contributing to the right to one's own development.

13. The implementation of these programmes involves, beside government agencies, non-governmental organizations which, sponsored by the State, encourage the revitalization of the traditional family economy and educate the population on values of their own identity aimed at a sustainable utilization of natural resources and their cultural heritage. This way, civil society also contributes to the implementation of the resolution on the right to development.

Iraq

14. In spite of the endeavours made to give effect to the right to development, which is recognized at the international level as an inalienable right, the realization of this right remains far from satisfactory owing to the numerous obstacles that are impeding its achievement.

15. The development process requires a certain degree of political stability, peace and security at the national, regional and international levels, as well as the establishment of fair and equitable economic relations between States and solid international cooperation, aimed, inter alia, at helping the poorer States to boost their economies and give effect to the right to development.

16. Emphasis must be placed on the right of States to dispose freely of their resources, to exercise permanent sovereignty over them and to reject all the forms of external hegemony and control which are practised against developing countries with a view to exploiting their wealth and resources through transnational corporations or through other forms of domination.

17. The economic sanctions that the Security Council imposes on a number of countries, usually developing countries, and unilateral coercive measures are significant factors that halt the realization of the right to development, cause material and human losses in the development process and require many years to offset, particularly if such economic sanctions imposed by the Security Council continue for a long and indefinite period of time.

18. External military aggression launched by some States, particularly major Powers, without United Nations approval causes tremendous harm to the development process, not only in the targeted countries, but also in third countries, and disrupts the regional peace and security which are among the requirements for development.

19. Current international economic relations, being based on a unipolar policy and attempts by many wealthy States to impose an economic system or systems at the international level solely with a view to furthering their own interests, cause severe economic crises in the developing countries and are highly detrimental to the realization of the right to development.

20. The problem of external debt, structural adjustment programmes, economic globalization, unequal access to commercial markets, the collapse of basic commodity prices and speculation in hard currencies are obstacles to development and are detrimental not only to the political independence of developing countries but also to their economic and development policies and their ability to forecast the evolution of their economic situation at the national and international levels.

Jordan

21. According to the UNDP Human Development Report 1999, of all the Arab States Jordan has made the most progress with regard to the elimination of human poverty and the provision of a decent life for its citizens and ranks ninth in the group of developing countries in this field.

22. The report also indicates, however, that Jordan's GEM (Gender Empowerment Measure) ranking has declined. In spite of a notable improvement in the quality of life, gender-based disparities still exist.

23. The following indicators are derived from the five-year plan for the period 1999-2003:

(a) Jordan's population at the end of 1998 was estimated at 4.76 million inhabitants and the annual population growth rate estimated at 3.3 per cent, of which 2.6 per cent was attributable to natural increase;

(b) Children under 15 years of age constitute about 40.1 per cent of the total population;

(c) In 1998, the gross birth rate declined to 32 per 1,000 of the population;

(d) In 1998, the gross mortality rate declined to 6 per 1,000 of the population;

(e) In 1998, the overall reproduction rate in Jordan declined to 3.9 births per woman;

(f) In 1998, the economic participation rate among women amounted to 14.2 per cent;

(g) In 1997, the literacy rate was 81.8 per cent for females and 92.2 per cent for males;

(h) According to poverty estimates for 1995, about 4.5 per cent of the total number of families were living below the abject poverty line and about 26 per cent below the absolute poverty line.

24. A five-year development plan covering the period 1999-2003 is currently in the final stages of preparation. The primary aim of this plan is to achieve social justice in regard to equality of opportunity for development and effective participation in the various economic and political activities among all sections of society in general and between men and women in particular.

25. The principal social objectives of the plan are as follows:

(a) A 0.1 per cent annual reduction in the population growth rate in order to enable the national economy to absorb the new additions to the population while maintaining an appropriate standard of living;

(b) A 1.5 per cent annual reduction in the absolute poverty rate in order to bring it below 15 per cent, and a 0.5 per cent annual reduction in the abject poverty rate in order to bring it below 5 per cent, by the end of the implementation of the plan;

(c) A reduction in the unemployment rate in order to bring it down to about 15 per cent by the end of the period of the plan, through the provision of about 250,000 employment opportunities during the coming five years;

(d) Application of a social security package to provide a minimum material and social infrastructure, including surfaced roads and streets, lighting, water and sanitation networks, health clinics, schools and other facilities, for all the poorer and most disadvantaged areas, the number of which exceeds 320 locations, populated by 860,000 persons.

26. The five-year plan has a separate section on human development addressing population, the labour force, poverty, children and youth, all of which have a direct bearing on development. In this section, the plan clearly adopts the concept of sustainable human development under the following four main headings:

(a) Development and economic growth in order to provide employment opportunities and reduce and eventually eliminate poverty;

(b) Achievement of gender equality;

(c) Practice of good governance and broader participation in the management of public affairs;

(d) Protection and rehabilitation of the environment through family planning and sound management of natural resources.

27. The general objectives set forth in the human development section are as follows:

(a) Improvement of the quality of life for all citizens through the adoption of appropriate population and development policies and programmes designed to alleviate poverty and achieve economic growth, sustainable patterns of consumption and production, the development of human resources and respect for human rights;

(b) Integration of population and environmental factors in endeavours to alleviate poverty within the context of plans and programmes for sustainable development;

(c) Reduction of gender-based disparities in all social, economic and political fields, empowerment of women in these fields, utilization of their capabilities and prevention of all forms of discrimination and violence against them;

(d) Reduction of regional disparities in the social and economic fields;

(e) Endeavours to curb unsustainable patterns of consumption and production to limit the adverse effects of demographic factors on the environment in order to meet the needs of the present generation without jeopardizing the interests of future generations.

Lebanon

28. The Government of Lebanon has always attached great importance to the United Nations Bill of Rights and is proud to be among the States that drafted it. It is diligently endeavouring to implement the International Covenants and conventions, including rights derived therefrom, in particular the right to development. In recent years, Lebanon has taken a number of legislative steps, including the signature of the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women.

29. The Government is showing great concern for social development and human rights in general and, in its programmes and plans of action, accords priority to social issues, as can be seen from its five-year plan for balanced development. It has shown great concern for deprived areas and has established specialized bodies for the care of special categories of persons, such as the disabled, for the protection of children and juveniles and for the rehabilitation of offenders.

30. The Government is considering conducting a comprehensive analytical study of governmental social expenditures within the framework of the 20/20 initiative proposed at the Copenhagen World Summit for Social Development.

31. The Government is aware of the magnitude of difficulties impeding its endeavours to promote sustainable development, not only as a result of the long war that took place in the country from 1975 to 1991 and which led to heavy losses that affected most of the infrastructure, but also due to its limited national resources and the lack of security and political stability in the Middle Eastern region.

32. The Government of Lebanon reaffirms its commitment to the International Covenants and the Universal Declaration of Human Rights and calls upon the international community and, in particular, the United Nations to make every effort to improve the international economic environment in a manner that will benefit the peoples of the developing countries by furthering their developmental endeavours and ensuring the realization of their right to development.

New Zealand

33. New Zealand is firmly committed to the universality and indivisibility of human rights, civil, cultural, economic, political and social, as embodied in the Universal Declaration of Human Rights. These rights are interdependent and mutually reinforcing. The right to development should not take precedence over other fundamental human rights. As was reaffirmed in the Vienna Declaration and Programme of Action, a lack of development should not be invoked to justify inaction in implementing, or abuse and curtailment of, internationally recognized human rights.

34. Responsibility for realizing the right to development is a shared one: individuals, national Governments and the international community all have important roles to play. This point is firmly entrenched in the discussion paper tabled by the independent expert on the right to development, Mr. Arjun Sengupta, for consideration by the Working Group on the Right to Development.

35. New Zealand recognizes that the international community is not solely responsible for implementing the right to development. Particular responsibility and accountability also exists at the national level, both in developing and developed countries. So, references to wider macroeconomic concerns, i.e. debt relief and calls for increased official development assistance (ODA) levels by developed countries should be balanced by acknowledgement of the primary duty of all States to provide the conditions for the realization of the right to development, via good governance and the effective use of existing resources. Practical capacity-building measures are encouraged, by ODA donors and recipients alike, in promoting good governance.

36. New Zealand is already making a significant and constructive contribution to the right to development by providing support to practical strategies to implement this right:

(a) Some of the key strategies and principles behind New Zealand's Official Development Assistance Programme (NZODAP) include sustainable development, poverty reduction, economic and social development and good governance;

(b) New Zealand is continuing its role as advocate for small States' interests both through the United Nations and the Commonwealth;

(c) New Zealand is maintaining its advocacy for trade liberalization, which is intended, inter alia, to open up economic opportunities for developing countries.

37. In addition, to encourage the growth of civil society which enables all persons to fulfil their potential, New Zealand is:

(a) Continuing its support of the work of national human rights institutions in the Asia and Pacific region by providing technical assistance to the Asia Pacific Forum of National Human Rights Institutions and supporting the work of the National Institutions Unit in the Office of the High Commissioner for Human Rights (OHCHR);

(b) On a broader level, endorsing moves to create regional human rights arrangements in the Asian and Pacific region. It has engaged in all four areas highlighted by the Tehran Framework adopted at the sixth Asia Pacific Workshop on Regional Arrangements for the Promotion and Protection of Human Rights, including strategies to promote the realization of the right to development.

38. The prioritization by OHCHR of the promotion and implementation of the right to development, through the signing of a Memorandum of Understanding with UNDP, sets a good precedent for these kinds of practical strategies.

39. If progress is to be made in realizing the right to development, the international community must focus on realistic, attainable objectives. The paper presented by the independent expert to the open-ended working group on the right to development is a positive step in this direction. New Zealand will participate actively in the working group to support efforts to consolidate progress made thus far in the promotion and implementation of the right to development and to steer the discussion in a positive and practical direction.

Qatar

40. The State of Qatar regards the right to development as a fundamental right from which all other rights stem. In order to be put into effect, this right requires a legal basis, which is constituted by treaties, conventions, standards and jurisprudence.

41. The legitimacy of this right is enshrined in Article 55 of the Charter of the United Nations, article 22 of the African Charter on Human and Peoples' Rights and article 1 of the Declaration on the Right to Development. The General Assembly of the United Nations has also adopted a number of resolutions designed to promote this right.

42. Given the legal evolution of the right to development, in the view of the State of Qatar this right ranks as an imperative principle of international law.

43. Enjoyment of the right to development must be linked to respect for the rules and principles set forth in General Assembly resolution 2625 (XXV), in which the Assembly called upon States to refrain from the use of force, to settle disputes by peaceful means and to respect a number of principles, including that of national sovereignty.

44. In order for the fruits of this right to be reaped, it must be enjoyed by all individuals, peoples and countries and, in particular, the developing countries must benefit from international assistance aimed at ensuring the equitable development of their peoples.

45. The application of the right to development is a process that concerns all persons and States, both individually and collectively, although States must bear responsibility for ensuring the implementation of this right.

46. Endeavours to achieve disarmament, to free continents from the danger of weapons of mass destruction and to reduce expenditure on arms purchase could divert substantial funds for the purposes of development, without which the guarantee of other human rights would be to no avail.

47. The ambiguous and vague concept of globalization should not be allowed to harm the interests of the developing countries. International financial institutions should help to find a way to assist the developing countries to pay their external debts in order to prevent the servicing of these debts from impeding the realization of the right to development.